

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ZACHERY BLAINE CARTER,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 18-193-M
)	
CIRCLE 9 RESOURCES, LLC,)	
a domestic limited liability company,)	
)	
Defendant.)	

COMPLAINT

THE PLAINTIFF, Zachery Blaine Carter, for his causes of action against the defendant, Circle 9 Resources, LLC, alleges and states as follows:

PARTIES AND JURISDICTION

1. At all relevant times, Plaintiff, Zachery Blaine Carter, is a domiciliary of Canadian County, Oklahoma.

2. Defendant, Circle 9 Resources, LLC, is a domestic limited liability company conducting business in Oklahoma County, Oklahoma, and is subject to jurisdiction therein.

3. Plaintiff's causes of action arise under the laws of the United States and, therefore, jurisdiction is proper pursuant to 28 USC § 1331.

4. Plaintiff's causes of action arise from acts committed by Defendant, Circle 9 Resources, LLC, in Oklahoma County, Oklahoma.

STATEMENT OF FACTS

5. Plaintiff was hired by MSM Environmental, LLC, in August 2015. In August 2016, Bison Oilfield Services purchased MSM Environmental, LLC. Circle 9 Resources, LLC is the parent company of Bison Oilfield Services. Plaintiff was re-hired in August 2016 by Bison Oilfield Services as a Business Development Manager and was employed through Circle 9 Resources, LLC until July 11, 2017.

6. In March 2017, Plaintiff disclosed in confidence to the Human Resources Manager that he was homosexual. This was not known to anyone else in the company. By the end of March 2017, the Human Resources Manager began telling people within the company about Plaintiff's confidential disclosure.

7. On March 29, 2017, the Corporate Comptroller for Circle 9 Resources, LLC, sent three Facebook messages to Plaintiff. The messages were intended to pursue a relationship or to harass Plaintiff. Because Plaintiff ignored his advances, Plaintiff was denied his bonus for the year.

8. In addition to that harassment, Plaintiff was frequently criticized about his sexual orientation by one of the managers, which made it difficult for Plaintiff to do his job.

9. From March 2017 through July 2017 while Plaintiff was working at Circle 9 Resources, LLC, Plaintiff was harassed and discriminated against because of his sexual orientation.

10. Because of this negative treatment and harassment, Plaintiff filed a sexual orientation harassment incident report with the Human Resources Manager on June 26, 2017. Defendant did nothing in response to the report.

11. In retaliation to Plaintiff for reporting discrimination, on July 11, 2017, as a pretext, Defendant accused Plaintiff of never disclosing a prior felony conviction when he was hired. Plaintiff had not written down the felony conviction on his application for employment but, had separately disclosed it during the hiring process. Further, Defendant forced Plaintiff to resign from his position by threatening to smear his name to his professional contacts in an effort to prevent him from working in the oil business ever again and conceal its illegal activities.

12. Plaintiff timely filed a charge of discrimination against the Defendant with the Equal Employment Opportunity Commission and has exhausted his administrative remedies. Plaintiff was issued a right to sue letter on December 5, 2017, and timely commenced this action.

FIRST CAUSE OF ACTION: SEX/GENDER DISCRIMINATION

13. Plaintiff incorporates by reference all preceding paragraphs herein.

14. These facts give rise to a cause of action in sex/gender discrimination against Circle 9 Resources, LLC. Plaintiff's claims arise under the Oklahoma Anti-Discrimination Act, 25 O.S. § 1350 *et seq.*, *Burke v. K-Mart*, 770 P.2d 24 (Okla. 1989), and 42 USC 2000e *et seq.*

15. Plaintiff has been damaged by the actions of Defendant in excess of \$75,000.00 to be determined by the jury.

SECOND CAUSE OF ACTION: WRONGFUL TERMINATION

16. Plaintiff incorporates by reference all preceding paragraphs herein.

17. Plaintiff reported the actions of Defendant's employees to the Human Resources Manager to avoid being discriminated against based on his sexual orientation.

18. Defendant constructively and wrongfully terminated Plaintiff.

19. Plaintiff has been damaged by the actions of Defendant in excess of \$75,000.00 to be determined by the jury.

COMBINED PRAYER FOR RELIEF

WHEREFORE, above premises considered, Plaintiff, Zachery Blaine Carter, prays that he be granted judgment against the Defendant, as follows:

That Plaintiff have and recover judgment on his Causes of Action against Defendant, Circle 9 Resources, LLC, for damages in excess of \$75,000.00, together with punitive or exemplary damages, together with all pre-judgment

and post-judgment interests as provided by law, plus all attorney's fees and costs incurred by Plaintiff, all as set forth in Plaintiff's Causes of Action.

That Plaintiff be entitled to assert such additional claims against Defendant, including any claims that Plaintiff may hereafter identify or discover.

Respectfully submitted,

/s/ Eugene Bertman

Joshua S. Turner, OBA #22321

Eugene K. Bertman, OBA # 19406

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JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED